



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

EXECUTIVE DIVISION

By ECF

February 14, 2023

Hon. Kiyo A. Matsumoto
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Town of Babylon, NY, et al. v. James, No. 22-cv-1681 (KAM)(AYS)

Dear Judge Matsumoto:

This office represents Defendant Letitia James, sued in her official capacity as Attorney General of the State of New York, in the above-referenced action. I write in advance of the oral argument on Defendant's motion to dismiss scheduled for February 23, 2023, to advise the Court of relevant factual developments after the close of briefing concerning the number of statewide opioid settlements entered into by Defendant that rely in part on the bar under New York Mental Hygiene Law § 25.18(d) to qualify the State to receive the maximum settlement payment amount.

In addition to the three settlements discussed in the Defendant's supporting declaration (Dkt. No. 31), the Attorney General has entered into four more statewide opioid settlements – three with the chain pharmacies Walmart, Walgreens, and CVS and one with opioid manufacturer Teva.¹ As with the prior statewide opioid settlements, these new settlements provide that the total amount of money paid under each agreement to New York depends in part on the percentage of subdivisions that release their existing claims against the settling opioid defendant, either through execution of a participation form releasing their claims *or by operation of* § 25.18(d). See Walgreens Settlement at Section IV.H.4.c; Walmart Settlement at Section IV.E.1.a; CVS Settlement at Section IV.H.6.d; Teva Settlement at Section III.B.8.b. The maximum payments that New York will receive based on 100% participation under these new settlements are as follows:

- Walgreens: \$237 million over 15 years
- Walmart: \$139 million over 1 year

¹ The settlement agreements are available at the following links: Walgreens– https://ag.ny.gov/sites/default/files/walgreens_multistate_agreement_and_exhibits.pdf; Walmart– https://ag.ny.gov/sites/default/files/walmart_settlement_agreement_2022.11.14.pdf; CVS– https://ag.ny.gov/sites/default/files/cvs_global_settlement_agreement_with_exhibits.pdf; and Teva- https://ag.ny.gov/sites/default/files/final_ny_teva_agreement_-_execution_version90.pdf.

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- CVS: \$221 million over 10 years
- TEVA: \$523 million over 18 years

The total nominal amount of these new settlements equals \$1.12 billion, with the vast majority of funds dedicated to abating the opioid crisis in New York.

We appreciate the Court's continued attention to this matter.

Respectfully,

/s/ Andrew S. Amer

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cc: Counsel of Record (via ECF)